

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARIA ALVES
Plaintiff- Appellant

v.

Docket No.: 05-2878

PAUL F. WALSH, JR.,
DISTRICT ATTORNEY AND
THE CITY OF FALL RIVER
Defendants- Appellees

APPELLANT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Maria Alves moves to supplement the record on appeal and states as follows:

1. On January 23, 2006 appellant's counsel wrote to counsels for appellees and proposed certain materials for the appendix in this appeal.
2. Counsel received no communication from either appellee with respect to the materials proposed for the appendix. Counsel prepared an appendix with the proposed materials and other materials that constituted other parts of the record pursuant to Fed. R. App. P. 30 (a)(1)(D).
3. Appellant included the materials listed on Pages 71 through 83 of the appendix because these materials are referenced in the Opposition filed by the Appellant in the District Court to defend against Walsh's motion to dismiss. [See: Maria Alves' Opposition and Memorandum of Law..., Appendix, page 67]
4. The reference in the Opposition alleges by implication that Walsh's failure to train and supervise his employees resulted in the violation of another person's rights, similar to the way Appellant's rights are alleged to have been violated and the recurrence

of the violation constitutes conduct for which immunity does not attach; the appendix materials from the 1996 proceeding define and substantiate the issue.

4. The brief of Appellee Walsh [page 17, et seq.] seeks to preclude a resolution of the training and supervision issue in this appeal on the basis that such allegations were not pled in the Complaint. Appellant asserts there was no reason to plead the allegations in the Complaint because the issue was not relevant to the Complaint and is only relevant as a defense to Walsh's Motion to dismiss.

WHEREFORE the Appellant seeks that the record be expanded to include the materials included in the Appendix at Pages 71-83.

Maria Alves
By her attorney,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appellant's Motion to Supplement the Record on Appeal was served upon:

William R. Connolly
Assistant District Attorney Bristol District
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Daniel S. Hendrie
Assistant Corporation Counsel
Law Department
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Fall River, Massachusetts 02722

by mail this 24 day of April, 2006.



Brian J. Sullivan